

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

WILLIAM McCARTNEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 5:08-cv-02151-CLS-HGD
)	
ADVANCE PROFESSIONAL)	
HEALTHCARE, et al.,)	
)	
Defendants.)	


MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on September 17, 2009, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on October 5, 2009.

The plaintiff merely restates his complaint by saying, “[I]n the instant case at bar, the plaintiff contends in his complaint that the actions of the defendant’s giving an increased dose of Atenolo has caused fluttering of his heart and respirtory [sic] problems. . . . If the plaintiff is given an opportunity to seek discovery he will be able to show th [sic] physical injuries that he has sustained from the defendant’s action.” Again the plaintiff has alleged, at most, that the defendants were negligent--not that they were deliberately indifferent to his serious medical needs.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DONE this 30th day of October, 2009.



United States District Judge